

REMARKS

I. Overview

These remarks are set forth in response to the Non-Final Office Action mailed April 30, 2007 (the "New Non-Final Office Action"). Presently, claims 1 through 3, 5 through 10, 12 through 17 and 19 are pending in the Patent Application. In the New Non-Final Office Action, the Examiner has rejected claims 1 through 3, 5 through 10, 12 through 17 and 19 on the basis of a provisional obviousness type double patenting rejection based upon U.S. Patent Application S/N 10/744,302 in view of U.S. Patent No. 6,996,780 to Estrada and also based upon Estrada in view of U.S. Patent Application Publication No. 2004/0107249 by Moser et al. (Moser). Yet further, the Examiner has rejected claims 1 through 3, 5 through 10, 12 through 17 and 19 under 35 U.S.C. § 112, first paragraph for new matter considerations and also 35 U.S.C. § 112, second paragraph for indefiniteness. Finally, the Examiner has rejected claims 1 through 3, 5 through 10, 12 through 17 and 19 under 35 U.S.C. § 102(e) as being anticipated by Moser.

II. Response

A. Nonstatutory Double Patenting

In response to the nonstatutory double patent rejections, Applicants submit herewith duly executed statutory disclaimers associated disclaimer fees.

B. Written Description

The Examiner's reproduction of paragraph [0016] is illustrative that the "provisioning" of an NCS is clearly contemplated through the "deploying" language of paragraph [0016] and that paragraphs [0030] and [0034] make this clear.

C. Indefiniteness

As for the Examiner's confusion in respect to the term "lifecycle", Applicants direct the Examiner's attention to paragraph [0020] of the specification in which the term lifecycle is clearly explained.

D. Rejections on the Art

i. Characterization of Moser

Moser relates to a method for establishing an electronic collaboration area. The method includes receiving from an application a collaboration area request that identifies a collaboration area template structure, receiving one or more collaboration area parameters relating to the collaboration area template structure, and establishing a collaboration area having content that is a function of the collaboration area template structure and the received one or more collaboration area parameters, the collaboration area being accessible to a plurality of collaboration area participants.

ii. Traversal of Moser as a Reference

Applicants observe that Moser wholly lacks a teaching directed to the maintenance of a common lifecycle for a provisioned instance of an NCS and business component instances corresponding to the NCS as required by the plain language of the claims. The Examiner refers to paragraphs [0027] to [0029] of Moser, however, there is no mention in these paragraphs of the maintenance of a common lifecycle for applications and a collaborative space. Rather, these portions of Moser only show a number of application views in a collaborative environment. Thus, Moser cannot satisfy a *prima facie* case of anticipation.

III. Conclusion

Applicants respectfully request the withdrawal of all rejections set forth above owing to the foregoing remarks. This entire application is now believed to be in condition for allowance and such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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